

DEAN K. DUNSMORE
DEPARTMENT OF JUSTICE
Environment & Natural Resources Division
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
Telephone: (907) 271-5452
Facsimile: (907) 271-5827
Email: dean.dunsmore@usdoj.gov
Attorney for Federal Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

LINCOLN PERATROVICH, et al.,)	
)	
Plaintiffs,)	No. 3:92-cv-0734-HRH
)	
v.)	
)	
UNITED STATES OF AMERICA,)	DECLARATION OF
FEDERAL SUBSISTENCE BOARD, et al.,)	GEORGE BISSET
)	
Defendants.)	
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Pursuant to 28 U.S.C. 1746, George Bisset declares and states:

1. I am a Land Surveyor for the USDA Forest Service, Tongass National Forest, in Petersburg, Alaska. I have held this position since approximately 2005. I have worked for the Forest Service in Alaska for approximately 28 years, in both full-time and seasonal positions. I am licensed as a surveyor by the State of Alaska.

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Declaration of George Bisset

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2. An attorney in our General Counsel's office sent me a document entitled, "ATTACHMENT A; TERRITORIAL WATERS WHERE APPLICANTS WILL HAVE HERRING ROE ON KELP." That document purportedly contains descriptions of the historical boundaries of the Kuiu, Skakan, and Taanta Kwaans. I was asked to create a map delineating the boundaries of the Kwaans, and to explain any flaws in the descriptions, as well as to explain any assumptions I had to make in order to create a map. The map I created is attached to this declaration.
3. To create the map of the Kwaan Boundaries, I used data from the USDA Forest Service, Tongass National Forest GIS database. I utilized a layer titled "Coast," which represents the shoreline of southeast Alaska, and is referenced to the North American Datum of 1983, (NAD 83), Zone 1, Alaska State Plane meters. I imported this data into Autodesk Map in order to plot the various calls in the boundary descriptions, particularly the call for North Latitude 56°34'00", as it pertains to the shores of Baranof and Kuiu Islands.
4. I understood that the Kuiu Kwaan is not part of this case, but it was necessary to plot the Kuiu Kwaan as well, since

that Kwaan shares boundaries with the Shakan Kwaan and the Taanta Kwaan. I do not feel the boundary description for the Taanta Kwaan is specific enough to be able to map fully.

5. The boundary descriptions contain several flaws that made it difficult to create a map:

a. Kuiu Kwaan:

- i. The reference to a North Latitude of 56°34'00" does not specify what datum is referred to, NAD 27 or NAD 83.
- ii. There is reference to the eastern shore of Kuiu Island. However, it does not specify whether that means at mean high water, mean low water or some other stage of tide.
- iii. The description uses the word "mile." It does not specify whether the intent is to use nautical or statute miles.
- iv. There are numerous calls for establishing a halfway point between two islands. However, it is not explained upon what basis one would choose points along the shoreline to use to determine the halfway mark.
- v. The Barrier Islands are a group of islands. It does not specify whether the description refers to the center of the group or the most westerly point of the group.

- vi. "Southern end of Warren Island" is a very broad description. It does not specify whether this means the most southerly point or the middle of the southern shoreline.
 - vii. Hazy Islands are a group of islands. It does not specify whether the intent is to use the geographical center of the group.
 - viii. There is a reference to Timber Islands. There is no Timber Island, but there is a Timbered Island, southwest of Hecata Island.
 - ix. It is unclear whether the western boundary terminates at a point halfway between Hazy Islands and Cape Ommany or whether it continues to the continental shelf.
 - x. On page A-3 there appears to be a typographical error 54° instead of 56°.
- b. Shakan Kwaan:
- i. There are numerous calls for establishing a halfway point between two islands. However, it is unknown upon what basis one would choose which points along the shoreline to use to determine the halfway mark.
 - ii. It is unclear whether the midway point between Aneskett Point of Kosciusko Island is based upon the use of perpendicular lines to the Prince of Wales Island shoreline.
 - iii. It does not specify how to determine what is "equidistant between Kosciusko and Prince of Wales Islands" in terms of what shoreline

features to use and not use. The channel is not a straight line.

- iv. The criteria to "equally divide Sea Otter Sound" are not known.
- v. The description says: "Proceeds in a westerly direction equally dividing Iphigenia Bay." The criteria to determine how to do this are not known.
- vi. It is unclear whether the western boundary of the Shakan Kwaan is intended to be a common boundary with the Kuiu Kwaan.
- vii. The description says: "Thence proceeds in a northerly direction between Point Barrie and Sumner Islands." This does not return to the starting point of the northern boundary.

c. Taanta Kwaan:

- i. It is unclear whether the northeastern and eastern Taanta Kwaan boundaries are common with the Kuiu or Shakan Kwaan boundaries.
- ii. It is unclear which river systems are referred to in the eastern boundary legal description.
- iii. It is unclear where the beginning point of the southern boundary is on the Skeena River.
- iv. For the western boundary, it is unclear where the point west of the point of beginning is located.
- v. The Taanta Kwaan boundary descriptions are pure bounds and cannot be placed on a map without more information. A bounds description is one written and then interpreted as if a person were standing in the center of the parcel of land and then is

looking outward to the boundaries of the parcel that is being described. In a bounds description, the calls for the adjoiners become the monuments, and many times do not have a direction of travel, a bearing, or even a distance.

6. In order to create the map entitled "Exhibit A Boundaries of the Kwwan Clans," I made several assumptions:

- a. I used the Tongass National Forest GIS data in NAD 83 to place the North Latitude 56°34'00" on the shoreline of Baranof and Kuiu Islands.
- b. I assumed the word "shore" was intended to refer to the mean high waterline.
- c. I assumed nautical miles were to be used instead of statute miles.
- d. I assumed halfway points between islands are based upon points along the shoreline closest to each other.
- e. The call for the Barrier Islands is not specific, so I was unsure if it meant the geographical center, or the most western point of land in the group of islands. I used the most western point of land in determining the halfway point between the Barrier Islands and Point Amelius.
- f. The call for the southern end of Warren Island is not very specific. I used the most southerly point of land to determine the halfway point between Helm Point and the southern end of Warren Island.
- g. "A point halfway between Hazy Islands and Timber Island" is not very specific. The Hazy Islands are a group, and I used the geographical center. I could not locate "Timber" Island, but did locate "Timbered Island." I assumed the intent was to use Timbered

Island and the geographical center of the Hazy Islands to position a halfway point on the map.

- h. To determine the center of El Capitan Passage, I assumed that where possible, perpendicular lines would be drawn from prominent features along one shoreline to the other shoreline.
- i. I used the halfway point between Helm Point and the southern end of Warren Island to divide Iphigenia Bay.
- j. I assumed the Kuiau and Shakan Kwaan boundaries were common. There is only one place in the boundary description that states any of these boundaries are common to one another.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 29 day of April, 2010.

George Bisset
GEORGE BISSET

